

## § 4300.25

### **§ 4300.25 Does my filed application mean I will automatically receive a permit?**

No. BLM issues grazing permits at its discretion. Our decisionmaking is based on resource management guidelines developed in land use plans and in consultation with other State and Federal resource management agencies.

#### PROTESTS AGAINST A GRAZING PERMIT APPLICATION

### **§ 4300.30 Can someone else protest my permit application?**

(a) Yes, anyone may file a protest with BLM. The protest does not have to be in a particular format nor on a BLM-approved form but it must:

- (1) Be filed in duplicate with BLM;
- (2) Contain a complete description of all facts upon which it is based;
- (3) Describe the lands involved; and
- (4) Be accompanied by evidence of service of a copy of the protest on the applicant.

(b) If the person protesting also wants a grazing permit for all or part of the land described in the protested application, the protest must be accompanied by a grazing permit application.

#### CONDITIONS OF YOUR APPROVED PERMIT

### **§ 4300.40 How long can I graze reindeer with my permit?**

BLM issues permits for a maximum of 10 years, except when you request a shorter term, or when BLM determines that a shorter period is in the public interest. The issued permit will specify the number of years you can graze reindeer.

### **§ 4300.41 What will the permit say about the number of reindeer and where I can graze them?**

(a) The permit will indicate the maximum number of reindeer you can graze on the permit area based on range conditions. BLM can adjust this number if range conditions change, as for example, by natural causes, overgrazing, or fire.

(b) The permit will restrict grazing to a definitely described area which BLM feels is usable and adequate for your needs.

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### **§ 4300.42 If I have existing improvements on the land, will these be allowed in the initial permit?**

Yes, any improvements existing on the land will be allowed.

### **§ 4300.43 What should I do if I want to construct and maintain improvements on the land?**

(a) You should file an application (Form 4120–7) with BLM for a permit to do this. A permit will allow you to construct, maintain, and use any fence, building, corral, reservoir, well or other improvement needed for grazing under the grazing permit; and

(b) You must comply with Alaska state law in the construction and maintenance of fences, but any fence must be constructed to permit ingress and egress of miners, mineral prospectors, and other persons entitled to enter the area for lawful purposes.

### **§ 4300.44 Are there any major restrictions on my grazing permit that I might otherwise think are allowed?**

Yes. You must not:

- (a) Enclose roads, trails and highways as to disturb public travel there;
- (b) Interfere with existing communication lines or other improvements;
- (c) Prevent legal hunting, fishing or trapping on the land;
- (d) Prevent access by persons, such as miners and mineral prospectors, entitled to lawfully enter; or
- (e) Graze reindeer without complying with applicable State and Federal laws on livestock quarantine and sanitation.

### **§ 4300.45 Must I submit any reports?**

Yes. Before April 1 of the second permit year and each year afterwards, you must submit a report in duplicate to BLM which describes your grazing operations during the preceding year. Reports do not have to be on a BLM-approved form nor in a particular format.

#### CHANGES THAT CAN AFFECT YOUR PERMIT

##### *Other Uses of the Land*

### **§ 4300.50 Are there other uses of the land that may affect my permit?**

Yes. The lands described in your grazing permit and the subsurface can be affected by uses that BLM considers

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more important than grazing. Your permit can be modified or reduced in size or canceled by BLM to allow for:

(a) Protection, development and use of the natural resources, e.g., minerals, timber, and water, under applicable laws and regulations;

(b) Agricultural use;

(c) Applications for and the acquisition of homesites, easements, permits, leases or other rights and uses, or any disposal or withdrawal, under the applicable public land laws; or

(d) Temporary closing of portions of the permitted area to grazing whenever, because of improper handling of reindeer, overgrazing, fire or other cause, BLM judges this necessary to restore the range to its normal condition.

### § 4300.51 Will I be notified if another use, disposal, or withdrawal occurs on the land?

Yes. If there is a settlement, location, entry, disposal, or withdrawal on any lands described in your permit, BLM will notify you and will reduce your permit area by the amount of the area involved.

### § 4300.52 Can other persons use the land in my permit for mineral exploration or production?

Yes. Unless the land is otherwise withdrawn, the land in your permit is subject to lease or leasing under the mineral leasing laws and under the Geothermal Steam Act, and mineral materials disposal under the Materials Act. Also, it can be prospected, located, and purchased under the mining laws and applicable regulations at 43 CFR Group 3800.

#### CHANGES IN THE SIZE OF THE PERMIT AREA

### § 4300.53 Can BLM reduce the size of the land in my permit?

Yes. BLM may reduce it at any time but must notify you at least 30 days before taking this action. BLM can reduce the area when:

(a) BLM determines that the area is too large for the number of reindeer you are grazing; or

(b) When disposal, withdrawal, natural causes, such as drought or fire, or any other reason in § 4300.50 so requires.

### § 4300.54 Can BLM increase the size of the land in my permit?

Yes. BLM may increase the area on its own initiative or by your request if BLM determines that the area is too small for the number of reindeer you are grazing. BLM will give you at least 30 days' notice of this action.

### § 4300.55 What if I don't agree with an adjustment of my permit area?

You must contact BLM within the notice period to show cause why the area should not be adjusted. After the BLM field office manager makes a decision on the adjustment, you have the right to appeal that decision to the Interior Board of Land Appeals (IBLA) under 43 CFR part 4. The IBLA makes the final decision.

#### PERMIT RENEWALS

### § 4300.57 How do I apply for a renewal of my permit?

You must submit an application for renewal, using the same form as the original application, between four and eight months before the permit expires. A \$10 filing fee must accompany the application.

### § 4300.58 Will the renewed permit be exactly the same as the old permit?

At its discretion, BLM may offer you a renewed grazing permit with such terms, conditions, and duration that it determines are in the public interest.

#### ASSIGNING YOUR PERMIT TO ANOTHER PARTY

### § 4300.59 If I want to assign my permit to another party, when must I notify BLM?

You must file a proposed assignment of your permit, in whole or in part, in duplicate with BLM within 90 days of the assignment execution date. No particular format is required. The assignment is effective when BLM approves it.

### § 4300.60 What must be included in my assignment document?

Assignments must contain:

(a) All terms and conditions agreed to by the parties;